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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,157	01/24/2001	Edward O. Clapper	42390P10898	5252

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

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DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/769,157

Applicant(s)
Edward O. Clapper

Examiner
Melur. Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 24, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46, 48-51, 55, and 56 is/are rejected.
- 7) ☒ Claim(s) 47 and 52-54 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-9, 10-13, are rejected under 35 U.S.C 102(e) as being anticipated by Goldberg et al. (US PAT: 6,400,652 B1, filed 12-4-1998, hereinafter Goldberg).

Regarding claim 1, Goldberg discloses a method comprising: storing a clip of a media stream at a first time(this is implied in as much as the reference teaches using this for latter comparison to trigger recording, see col. 5 lines 5-13), finding the clip in the media stream at second time latter than the first time , and storing the first portion of media stream greater than and including the clip (col. 5 lines 14-46).

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Regarding claims 2-4, 6-13, Goldberg further teaches the following: performing digital signal processing upon a window of the media stream to produce a DSP window result, performing digital signal processing upon the clip to produce a DSP clip result, comparing the DSP window result to the DSP clip result (note this reads on pattern recognition, col. 5 lines 1-13), identifying the start point of the first portion and an end point of the first portion from the media stream, and storing the media stream from the start point to the end point (col. 5 lines 5-40), media stream comprises audio, audio stream comprises broadcast radio (col. 4 lines 65-66), media stream comprises video/television, receiving parameters, and wherein at least one of finding and storing are responsive to parameters, preferred source (col. 8 lines 35-59), identifying the media content item corresponding to the clip, and obtaining the media content from a source which is different from the media stream, the source is an on-line retailer (col. 5 lines 47-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-20, 21-23, 28-30, 32, 39, 41-44, 48, 50-51, 55, 56, are rejected under 35

U.S.C. 103(a) as being unpatentable over Goldberg in view of Okitsu (US PAT: 6,006,005, filed 7-11-1997, hereinafter Okitsu).

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Regarding claims 14, 21, 32, 41, 50, Goldberg discloses an entertainment system for use with a receiver that receives entertainment content from a media stream, the entertainment device comprising: a storage system including, a clip storage (35, fig. 1) for storing the clip, a block storage (25, fig. 1) for storing a block of entertainment content, and a stream storage (20, fig. 1) for storing portions of entertainment content, and a processing system for performing operations upon entertainment content (col. 2 lines 52-67) and including, a block manager for locating, in stream storage, a first portion of the entertainment content which contain substantially similar copy of the clip, and for identifying a first block of the portion with in the first portion and causing the block storage to store the first block (col. 5 lines 1-46, fig. 4 col. 8 lines 2-67).

Goldberg differs from claims 14, 21, 32, 39, 41, and 50 in that although he teaches storing the clip on a clip storage (85, fig. 4), he does not explicitly teach a clip manager responsive to the capture trigger for causing the clip storage to store the clip.

However, Okitsu discloses automatic telerecording apparatus which teaches the following: clip manager responsive to the capture trigger for causing the clip storage to store the clip (col. 4 lines 65-66, col. 5 lines 9-10).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Goldberg's system to provide for the following: a clip manager responsive to the capture trigger for causing the clip storage to store the clip as this arrangement would provide means to store the required information as a clip for using it for latter processing in recording system as taught by Okitsu.

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Regarding claims 15-20, 22-23, 28-30, 42-44, 48, 51, 55, 56, Goldberg further teaches the following: block manager for storing block of media stream to the storage system, wherein the clip is proper subset of the block, media comprises a radio broadcast and block comprises a song (col. 4 lines 65-67, col. 5 lines 5-46, col. 8 lines 35-59), media stream comprises a television broadcast and the block comprises a television show, the receiver is coupled to receive media from stream over a wireless broadcast channel (col. 8 lines 35-59), an output device coupled to the receiver for playing the media stream, an output device for playing media stream (this is implied as this information is recorded on a recorder (25, fig. 1), block manager is responsive to search for third instance of the clip in the media stream, to store a second block of the media stream containing the third instance of the clip to the storage system (col. 9 lines 30-67, col. 10 lines 1-7), receives parameters of at least one of the clip and the first block from the user, specification of one or more broadcast stations to monitor, preferred source, means for finding an identification of the first block from a list source, and means for acquiring a second block containing a third instance of the clip from a block source (col. 8 lines 6-59), retaining the repeat of media content item in storage (96, fig. 4), performing digital signal processing upon the clip and the recorded portion (col. 5 lines 5-46), recording a second portion of the transmission subsequent to the repeat of the media content item, identifying the second segment of the second recorded portion as being substantially similar to the clip, identifying the second repeat of the media content item within the second recorded portion, retaining the second repeat of the media

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content item in storage, entertainment device comprises a radio recorder/television recorder (col. 8 lines 6-59).

Regarding claim 49, Goldberg teaches the following: recording a second portion prior to the first portion (col. 2 lines 66-67), determining the clip is not found in the second portion and discarding the second portion (note: this is implied by the fact if the received information not matching with the clip on database is discarded)

5. Claims 24-27, 35-37, 45-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Okitsu as applied to claims 24, 32, 41 above, and further in view of Keller et al. (US PAT: 6,587,404 B1, filed 8-17-2000, hereinafter Keller).

Regarding claims 24-27, 35, 45-46, the combination does not teach the following:
compare the first block to the second block and to select a better of the blocks, discard one of the blocks which is not better of the blocks, block manager is adapted to play the first block and the second block and to accept from the user a selection from the user one of the blocks, discard one of the blocks on response to user selection, means responsive to the means for selecting, for deleting one of the song and second instance of a song, discarding one of the repeat and second repeat of the media content item.

However, Keller discloses storage device capable of recording a sound tracks of compact disk which teaches the following: compact disc recorder (30, fig. 2) with memory to save sound tracks which can be reviewed or auditioned before being burned into compact disc, and further teaches the following: during auditioning, a user can, for example, play the take or delete the take

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as well as assemble the take into one or more sessions (col. 12 lines 36-67, col. 13 lines 1-13) which implicitly teaches the following: compare the first block to the second block and to select a better of the blocks, discard one of the blocks which is not better of the blocks, block manager is adapted tom play the first block and the second block and to accept from the user a selection from the user one of the blocks, discard one of the blocks on response to user selection, means responsive to the means for selecting, for deleting one of the song and second instance of a song, discarding one of the repeat and second repeat of the media content item.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: compare the first block to the second block and to select a better of the blocks, discard one of the blocks which is not better of the blocks, block manager is adapted tom play the first block and the second block and to accept from the user a selection from the user one of the blocks, discard one of the blocks on response to user selection, means responsive to the means for selecting, for deleting one of the song and second instance of a song, discarding one of the repeat and second repeat of the media content item as this arrangement would enable the user to select and keep the best part of the information, thus facilitating the keeping the best part of the program especially in view of Goldberg's teaching that repeat broadcasts can be processed and saved in a recorder (col. 8 lines 6-34).

Regarding claims 36-37, Goldberg teaches the following: means for prompting the user for at least one parameter of at least one of the clip and song, a specification of one or more broadcast stations to monitor, a preferred source (col. 8 lines 6-59).

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6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Keller.

Regarding claim 5, Goldberg does not teach the following: comparing the first portion to the other portion, discarding one of the portions based on the comparison.

However, However, Keller discloses storage device capable of recording a sound tracks of compact disk which teaches the following: compact disc recorder (30, fig. 2) with memory to save sound tracks which can be reviewed or auditioned before being burned into compact disc, and further teaches the following: during auditioning, a user can, for example, play the take or delete the take as well as assemble the take into one or more sessions (col. 12 lines 36-67, col. 13 lines 1-13) which implies the following: comparing the first portion to the other portion, discarding one of the portions based on the comparison.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: comparing the first portion to the other portion, discarding one of the portions based on the comparison as this arrangement would enable the user to select and keep the best part of the information, thus facilitating the keeping the best part of the program especially in view of Goldberg's teaching that repeat broadcasts can be processed and saved in a recorder (col. 8 lines 6-34).

7. Claim 31 and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Okitsu as applied to claim 21 above, and further in view of Polash (WO99/18518).

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Regarding claim 31, the combination does not teach the following: means for obtaining identification of songs and means for purchasing a second instance of the song from an external source per the identification, list source is a radio station's web site and block source is an on-line music retailer.

However, Polash discloses internet based musical indexing system which teaches the following: means for obtaining identification of songs and means for purchasing a second instance of the song from an external source per the identification, list source is a radio station's web site and block source is an on-line music retailer (page 1 lines 29-32, page 2 lines 1-14).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: means for obtaining identification of songs and means for purchasing a second instance of the song from an external source per the identification, list source is a radio station's web site and block source is an on-line music retailer as this arrangement would facilitate the user to listen to the music samples and purchase the music record as taught by Polash.

8. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Okitsu as applied to claim 32 above, and further in view of Liman (DE4106927C).

Regarding claim 40, the combination does not teach the following: the radio being adapted for use in an automobile.

However, Liman discloses sound reproduction equipment for vehicle which teaches the following: the radio being adapted for use in an automobile (see abstract).

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Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: the radio being adapted for use in an automobile as this arrangement would provide mobility for the user to listen to the radio programs as taught by Liman.

9. Claims 47 and 52-54, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. **Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

PRIMARY EXAMINER

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